

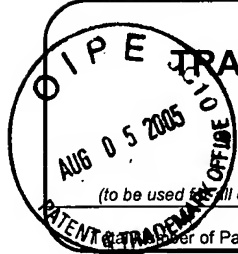
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PTO/SB/21 (09/04)

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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Number of Pages in This Submission

| | |
|------------------------|----------------------|
| Application Number | 10/817,058 |
| Filing Date | April 2, 2004 |
| First Named Inventor | BAKER, et al. |
| Art Unit | 1653 |
| Examiner Name | Mayer, Suzanne Marie |
| Attorney Docket Number | BA-32448(1) |

ENCLOSURES (Check all that apply)

| | |
|---|--|
| <input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> RESPONSE (12 pages) Amendment/Reply <input checked="" type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD <input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Supporting documents and return postcard Declaration under Rule 131 Form 1449 Copy of 4 references |
| <input type="checkbox"/> Remarks | |

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

| | | | |
|--------------|-------------------------------|----------|--------|
| Firm Name | Whyte Hirschboeck Dudek S.C. | | |
| Signature | <i>Kristine M. Strodthoff</i> | | |
| Printed name | Kristine M. Strodthoff | | |
| Date | 8/5/5 | Reg. No. | 34,259 |

CERTIFICATE OF TRANSMISSION/MAILING

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| Signature | <i>James M. Lalonde</i> | | |
| Typed or printed name | JAMES M. LALONDE | Date | 8/5/05 |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Attorney Docket No. BA-32448(1)

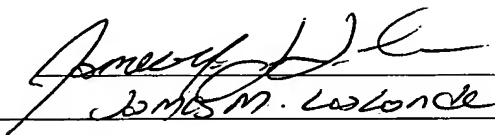
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : BAKER et al.
Serial No. : 10/817,058
Filing Date : April 2, 2004
For : Method of Treating Cardiac Ischemia by Using Erythropoietin
Group Art Unit: 1653
Examiner : MAYER, Suzanne Marie
Confirmation No.: 2664

CERTIFICATION UNDER 37 CFR 1.8(a) and 1.10

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James H. Leavelle

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE AFTER FINAL

Sir:

Applicant requests consideration of the pending claims in the above-identified patent application based on the remarks herein.

Amendments to the Claims are reflected in the listing of the claims, which begins on page 2 of this paper.

Supplemental Information Disclosure Statement begins on page 7 of this paper.

Remarks begin on page 8 of this paper.

Appendix begins at page 12 of this paper.

Declaration under 37 CFR § 1.131

Form 1449/PTO and copy of four (4) references